

8241-C

9-073A016

Interstate Commerce Commission
Washington, D.C.

RECORDATION NO. 8241-C Filed 1425

MAR 14 1979 - 10 09 AM

Date MAR 14 1979

Fee \$ 10.00

Gentlemen:

INTERSTATE COMMERCE COMMISSION

CC Washington, D.C.

Enclosed for recordation under the provisions of Section 20(c) of the Interstate Commerce Act, as amended, are the original and two counterparts of a Release of Mortgage dated as of March 6, 1979.

A general description of the railroad rolling stock covered by the enclosed documents is set forth in Exhibit A attached to this letter and made a part hereof.

The names and addresses of the parties are:

United States Railway Association
955 L'Enfant Plaza North, S.W.
Washington, D.C.

Delaware and Hudson Railway Company
40 Beaver Street
Albany, New York 12207

The undersigned is the Buyer under the Bill of Sale dated as of February 15, 1979, a copy of which is attached hereto as Exhibit B, and has knowledge of the matters set forth therein.

Please return the original and one copy of the Release of Mortgage to Robert C. Nash, Chapman and Cutler, 111 West Monroe Street, Chicago, Illinois 60603.

Enclosed is a check in the amount of \$10.00 covering the required recording fee.

Very truly yours,

HARRIS TRUST AND SAVINGS BANK,
as Trustee under D & H Trust
No. 79-1

By

Robert Nash

Agent and Attorney-in-Fact

Enclosures

RECEIVED
MAR 14 9 50 AM '79
FEE OPERATION BR.
10.00

EXHIBIT A

DESCRIPTION OF CARS

D & H ROAD NUMBERS -
INCLUSIVE

Ninety-seven (97) Seventy (70)
Ton 65'6" Long, High Side, AAR
Type GBS Gondola Cars

14700-14762
14764-14792
14794-14797
14799

Ninety-one (91) Seventy (70)
Ton 2,880 Cubic Feet Capacity
AAR Type HT Hopper Cars

9201-9291

EXHIBIT B

BILL OF SALE
Dated as of February 15, 1979

DELAWARE AND HUDSON RAILWAY COMPANY (hereinafter called the "Seller"), in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid by HARRIS TRUST AND SAVINGS BANK, as Trustee under a Trust Agreement dated as of February 15, 1979 (the "Buyer") the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, transfer and set over unto the Buyer, its successors and assigns, the following units of railroad rolling stock (hereinafter called the "equipment"):

<u>Description</u>	<u>Quantity</u>	<u>Car Nos.</u>
70-ton 65' 6" long, hi-side, AAR type GBS Gondola Cars	97	DH 14700 to 14762, both inclusive, 14764 to 14792, both inclusive, 14794 to 14797, both inclusive, and DH 14799
70-ton 2880 cubic foot capacity AAR type HT Hopper Cars	91	DH 9201 to 9291, both inclusive

And the Seller hereby warrants to the Buyer, its successors and assigns, that as of the date hereof the Seller has legal title thereto and good and lawful right to sell the equipment and the title to the equipment is free and clear of all claims, liens and encumbrances of any nature whatsoever; and that Seller covenants that it will warrant and defend such title against all claims and demands whatsoever.

The Seller will do, execute, acknowledge and deliver all such further acts, bills of sale, assignments, transfers and assurances which may be necessary or proper to assure, confirm or evidence the title and interest of the Buyer in and to the equipment.

IN WITNESS WHEREOF, the Seller has caused this Bill of Sale to be dated as of February 15, 1979 and to be duly executed in its name by a duly authorized officer and its corporate seal to be hereunto affixed, duly attested, the 6th day of March, 1979.

DELAWARE AND HUDSON RAILWAY
COMPANY

By

D. H. Green
 Its Vice President

[SEAL]

ATTEST:

R. T. Murray
 Its Assistant Secretary

Counterpart No. 1 of 6

MAR 14 1979 - 10 00 AM

RELEASE OF MORTGAGE

INTERSTATE COMMERCE COMMISSION

THIS INDENTURE made/as of this 6th day of March, 1979

BETWEEN

UNITED STATES RAILWAY ASSOCIATION,
established pursuant to Section 201
of the Regional Rail Reorganization
Act of 1973 as a non-profit govern-
ment corporation organized under the
District of Columbia Non-Profit
Corporation Act, with its principal
office at 955 L'Enfant Plaza North,
S.W., Washington, D.C. 20595

and

DELAWARE AND HUDSON RAILWAY COMPANY,
a Delaware corporation with its
address at 40 Beaver Street, Albany,
State of New York.

WHEREAS, DELAWARE AND HUDSON RAILWAY COMPANY by Mort-
gage bearing date the 15th day of March nineteen hundred and
seventy-six, for the consideration therein mentioned, and to
secure the payment of the money therein specified, did mortgage
certain property unto UNITED STATES RAILWAY ASSOCIATION, which
Mortgage covers, with other property, the following described
railroad freight cars (the Equipment);

<u>Description of Cars</u>	<u>D&H Road Numbers - Inclusive</u>
Ninety-Seven (97) Seventy (70) Ton 65'6" Long, High Side, AAR Type GBS Gondola Cars	14700-14762 14764-14792 14794-14797 14799
Ninety-One (91) Seventy (70) Ton 2,880 Cubic Feet Capacity AAR Type HT Hopper Cars	9201-9291

WHEREAS, DELAWARE AND HUDSON RAILWAY COMPANY by Bill of
sale dated as of February 15, 1979 is selling the above described
railroad Equipment to Harris Trust and Savings Bank, of 111 West
Monroe Street, Chicago, Illinois, as trustee for Northwestern
National Life Insurance Company and Central Life Assurance

Company, and to that end and for that purpose DELAWARE AND HUDSON RAILWAY COMPANY has requested UNITED STATES RAILWAY ASSOCIATION to execute and deliver a release of said railroad Equipment from the lien of said Mortgage.

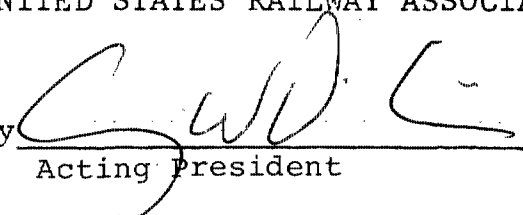
NOW, THEREFORE, UNITED STATES RAILWAY ASSOCIATION, in consideration of the premises and of One Dollar (\$1.00) to it paid, does hereby release from the lien of said Mortgage the hereinbefore described railroad Equipment, to the end that such railroad Equipment shall be free from the lien of said Mortgage and discharged from any claim thereunder, it being understood, however, that nothing herein or in anything which may be affected shall disturb or be construed as disturbing or otherwise affecting the Mortgage or the lien and operation thereof upon the remaining property subject thereto, except as expressly stated herein.

The representations made herein are made by DELAWARE AND HUDSON RAILWAY COMPANY solely and not by the Mortgagee, and this instrument is executed and delivered by the Mortgagee without any warranty on its part and without recourse to it in any event.

IN WITNESS WHEREOF, UNITED STATES RAILWAY ASSOCIATION has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized officer on the 2nd day of March, 1979.

UNITED STATES RAILWAY ASSOCIATION

By


Acting President

ATTEST:


Assistant Secretary

DISTRICT OF COLUMBIA)
)
)

On the 2nd day of March, nineteen hundred
and seventy-nine, before me came CARY W. DICKIESON
to me known, who, being by me duly sworn, did depose and say that
he is the ACTING PRESIDENT
of UNITED STATES RAILWAY ASSOCIATION, the corporation described
in, and which executed, the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed to said
instrument is such corporate seal; that it was so affixed by the
order of the board of DIRECTORS of said
corporation; and that he signed h name thereto by like order.

Joyce E. Perry

Notary Public in and for the
District of Columbia,

My Commission expires 8/31/83